REMARKS:

Regarding the specification amendments, during preparation of the response, it was noted that the specification refers to $CXCL8_{(3-73)}$K11R/G31P in reference to SEQ ID No. 1. As the examiner can see, SEQ ID No. 1 is 72 amino acids long and has had two terminal amino acids deleted. As such, the correct terminology is $CXCL8_{(3-74)}$K11R/G31P. It is noted that the pending claims make reference to the sequence listing itself and that the generation of the peptide of SEQ ID No. 1 is discussed throughout the application as filed, for example, at least on page 3, lines 2-22, page 8, line 23 to page 9, line 12, page 11, lines 1-19 and the sequence listings.

It is noted that in the Amendment and Reply to Restriction filed November 29, 2004, it was stated that groups 5 (corresponding to claims 80-83) and 8 (corresponding to claims 84-86) were elected for prosecution in the instant application and that groups 5 and 8 were related to each other as products and processes for use and applicants requested a rejoinder in accordance with MPEP 821.04.

It is further noted that claims 80 and 84 have been amended as per the examiner's suggestion in the interview summary dated December 13, 2004. It is further noted that in the aforementioned interview summary it was stated that these amendments would render claim 80 allowable and would result in claim 84 being rejoined to the product claim.

Specifically, claim 80 has been amended to be directed to an isolated ELR-CXC chemokine antagonist, consisting of the amino acid sequence set forth in SEQ ID NO:1. It is therefore believed that this amendment puts the claim in good order for allowance.

Claims 81-83 have been re-written in independent form as suggested by the examiner. Specifically, claim 81 is directed to $CXCL8_{(3-74)}$K11R/P32G; claim 82 is directed to $CXCL8_{(3-74)}$K11R/T12S/H13F/G31P; and claim 83 is directed to $CXCL8_{(3-74)}$K11R/T12S/H13F/P32G. Support for the agonist activities of these peptides may be found at least at page 4, line 20 to page 5, line 11, page 17, lines 3-18 and Figure 1.

Furthermore, claim 84 has been amended to state that the chemokine-mediated pathology is selected from the group consisting of ischemia-reperfusion

injury, acute respiratory distress syndrome, immune complex-type glomerulonephritis, bacterial pneumonia and mastis, as per the examiner's suggestion. It is therefore requested that claims 84 and 86 be rejoined to the product claim. Claim 85 has become redundant in view of the amendments to claim 84 and has been cancelled.

The amendment of claims 80-84 and 86 and to exclude certain subject matter and the cancellation of claim 85 is made without prejudice and Applicants have no intention at this time to abandon that subject matter. Applicants hereby expressly reserve right to pursue the same or similar subject matter in a continuing or continuation-in-part application.

Claims 80-83 were rejected under 35 USC 112 first and second paragraph for use of the phrase "substantially equivalent". As discussed above, this phrase has been deleted from claim 80.

Claim 80 was rejected under 35 USC 102(b) as anticipated by WO97/00601. It is believed that the amendment to claim 80 discussed above overcomes this objection. Further and more favorable consideration is respectfully requested.

Respectfully submitted

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